

The Honorable Jamal N. Whitehead

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KURT A. BENSHOOF,)	
)	No. 2:24-cv-00382-JNW
Plaintiff,)	
v.)	DEFENDANT'S OPPOSITION TO
)	PLAINTIFF'S EMERGENCY
DAVID S. KEENAN,)	REQUEST FOR STAY
)	
Defendant.)	
)	

On March 15, 2005, Plaintiff Kurt Benshoof filed a motion for leave to proceed in forma pauperis ("IFP") in this lawsuit against King County Superior Court Judge David Keenan. Dkt. 1. On April 2, 2024, Magistrate Judge Peterson issued a Report and Recommendation that IFP status be denied. Dkt. 5. Benshoof filed an amended motion, and on April 15, 2024, Magistrate Judge Peterson issued a second Report and Recommendation that IFP status be denied. Dkt. 14. On July 30, 2024, this Court granted Benshoof leave to proceed IFP. Dkt. 19. The complaint against Judge Keenan was therefore filed on July 30, 2024. Dkt. 20. No summons has been requested to date.

In July, Benshoof was arrested and is now in jail in King County pending various criminal charges in Seattle Municipal Court and King County Superior Court. Dkt. 25. He has moved to stay this matter indefinitely until he is released from jail. *Id.* Judge Keenan previously opposed that motion, which is still pending. Dkt. 27. Benshoof filed a second motion to stay, which Judge Keenan also opposed, which is also still pending. Dkts. 28, 29.

1 Benshoof has now filed an “emergency” request for a stay. Dkt. 30. While this new
2 pleading purports to contain Benshoof’s signature, it also purports to have been drafted and is
3 signed by a person named Urve Maggitti, who does not appear to be a licensed attorney and
4 apparently lives in Pennsylvania. Washington law prohibits the unauthorized practice of law. Rev.
5 Code of Wash. § 2.48.180. A person that prepares legal forms is practicing law. *State v. Hunt*, 75
6 Wash. App. 795, 802, 880 P.2d 96 (1994). Courts generally strike pleadings filed by individuals
7 engaged in the unauthorized practice of law. *See e.g. Seco v. Homestead Apartments*, 2024 WL
8 3566592, at *1 (W.D. Wash. July 29, 2024) (collecting cases). To the extent that the emergency
9 request to stay has been prepared and filed by a person not authorized to practice law, it should be
10 stricken.

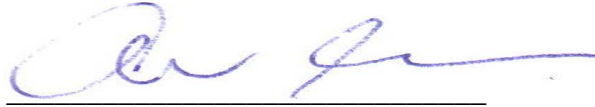
11 To the extent that the emergency request can be considered to have been prepared and filed
12 by Benshoof himself, it should be denied for the reasons previously set forth in Judge Keenan’s
13 opposition to the previous motions to stay. An indefinite stay of the proceedings would be
14 prejudicial to Judge Keenan and there is no basis to stay this lawsuit indefinitely. Moreover, the
15 emergency request primarily presents irrelevant arguments challenging the state and municipal
16 criminal charges currently pending against Benshoof. While the motion states that Benshoof has
17 no access to a computer, the internet or email, Benshoof has since filed a notice of electronic
18 registration with a new email address. Dkt. 31. Thus, it is unclear whether his previous assertion
19 that he has no access to a computer, internet or email remains true.

20 Benshoof has made no attempt to request a summons as required by LCR 4. Staying this
21 case indefinitely before proper service has been effected is not warranted. An indefinite stay would
22 obviously prejudice Judge Keenan’s rights. Benshoof’s emergency request for a stay should be
23 denied.

1 *I certify that this Memorandum contains 508 words in compliance with Local Civil Rules.*

2 DATED this 16th day of October, 2024.

3
4 LEESA MANION (she/her)
King County Prosecuting Attorney

5
6 By: 
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CERTIFICATE OF FILING AND SERVICE

I hereby certify that on October 16, 2024, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF E-filing system which will send automatic notification to the following:

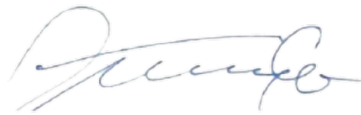
Kurt A. Benshoof
1716 N 128th Street
Shoreline, WA 98133
kurtbenshoof1@gmail.com
Pro Se Plaintiff

I also hereby certify that on October 16, 2024, I sent the same via US Postal Service to the following:

Kurt A. Benshoof
B/A 2024-008067
King County Correctional Facility
500 Fifth Avenue
Seattle, WA 98104

I declare under penalty of perjury under the laws of the United States of America and the State of Washington that the foregoing is true and correct.

DATED this 16th day of October, 2024.



RAFAEL A. MUNOZ-CINTRON
Paralegal I – Litigation Section
King County Prosecuting Attorney's Office